

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Ona T. Wang

*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE (SUCCESSION) OF DORIS
IGOIN, LAURENCE APFELBAUM, individually
and in her capacities as executor and beneficiary of
the Estate (Succession) of Doris Igoi, and EMILIE
APFELBAUM,

Defendants.

Adv. Pro. No. 10-04336 (SMB)

STIPULATION REGARDING DISMISSAL OF CERTAIN CLAIMS

WHEREAS, Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* (“SIPA”), and the estate of Bernard L. Madoff, individually commenced this Adversary Proceeding by filing a complaint against the above-captioned defendants (“Defendants”) on November 30, 2010, and subsequently filed an amended complaint (the “Amended Complaint”) on April 23, 2012;

WHEREAS the parties have conferred in good faith in an attempt to reach resolution and narrow, to the extent possible, certain disputed issues to be considered and resolved by this Court when considering the Defendants’ motion to dismiss;

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel that:

1. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as incorporated by Rule 7041 of the Federal Rules of Bankruptcy Procedure, the Trustee’s claim in Count Seven of the Amended Complaint against Defendant Laurence Apfelbaum (Am. Comp. p. 27-28, ¶¶ 99-104), is hereby dismissed without prejudice. In the event that that Trustee seeks to reassert this claim against Defendant Laurence Apfelbaum, the timeliness of such claim shall be measured as of the date it is reasserted, without regard to any previously filed claims in this action.

2. Except as specifically addressed in paragraph 1, above, this Stipulation is without prejudice to, or waiver of, any rights, arguments, or defenses otherwise available to the Parties to this action, including any defenses based on lack of personal jurisdiction.

3. This Stipulation may be signed in any number of counterparts and a signature made by a facsimile or electronic copy shall have the same force and effect as an original signature.

Dated: New York, New York
June 25, 2015

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Tracy Cole
Email: tcole@bakerlaw.com
Ona T. Wang
Email: owang@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC*

KELLEY DRYE & WARREN LLP

By: /s/ Jessica L. Klarfeld
101 Park Avenue
New York, NY 10178
Telephone: 212.808.7534
Facsimile: 212.808.7897
Jonathan K. Cooperman
Email: jcooperman@kelleydrye.com
Jessica L. Klarfeld
Email: jklarfeld@kelleydrye.com

*Attorneys for Defendants Laurence
Apfelbaum, Emilie Apfelbaum, and the Estate
(Succession) of Doris Igoi*

So Ordered this 26th day of **June**, 2015.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE